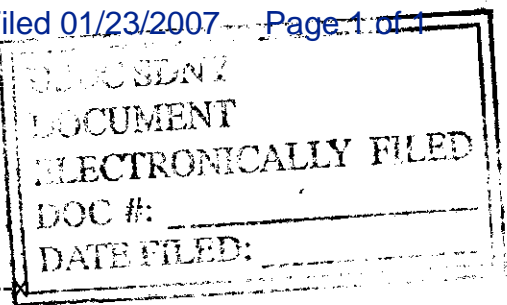


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



In re VEECO INSTRUMENTS, INC.  
SECURITIES LITIGATION

05 MD 1695 (CM)(GAY)

THIS DOCUMENT RELATES TO ALL ACTIONS

-----X

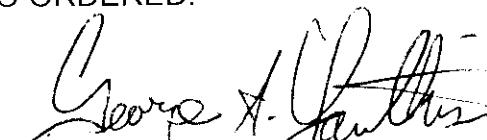
**ORDER**

Presently before the Court is a discovery dispute regarding the plaintiffs' attempt to take the deposition of non-party witness Bruce Huff, the former Division Controller of Veeco's TurboDisc division. Defendants contend that plaintiffs had the opportunity to depose Huff at his previously conducted deposition in accordance with an agreement reached between counsel and declined to do so. The Court has reviewed the submissions by the parties and also discussed the matter with counsel at a pretrial conference held on January 11, 2007.

Whether or not to allow non-party witness Huff to be further deposed rests within the sound discretion of this Court. Fed.R.Civ.P. 30(a)(2). There are conflicting statements alleged by the parties on whether or not plaintiffs advised defendants, without reservation, that they would not be taking a separate deposition of Huff. Under the circumstances, this Court will exercise its discretion to allow all plaintiffs a total of seven hours to depose Huff during the time period set for discovery.

SO ORDERED:

Dated: January 23, 2007  
White Plains, New York

  
\_\_\_\_\_  
GEORGE A. YANTHIS, U.S.M.J.

*faxed to all  
counsel  
1-23-07  
Dm*